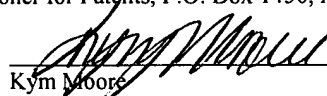




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Kym Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Date: December 15, 2005

Kevin D. BAIR

Confirmation No: 2095

Serial No: 09/733,429

Group Art Unit: 2163

Filed: December 8, 2000

Examiner: Thai, Hanh B.

For: METHOD AND SYSTEM FOR ACCESSING INFORMATION ON A NETWORK

APPEAL BRIEF

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I. REAL PARTY IN INTEREST

Appellant respectfully submits that International Business Machines Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellant states that no such proceeding exists.

III. STATUS OF CLAIMS

Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are pending and stand rejected. Accordingly, claims 1-2, 4-15, 17-28, 30-39, and 43-48 are on appeal and all applied rejections concerning those claims are herein being appealed.

IV. STATUS OF AMENDMENT

Application Serial No. 09/733,429 (the instant application) as originally filed included claims 1-39. Claims 40-48 had been added. Claims 3, 16, 29, and 40-42 had been canceled. Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are pending. Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are on appeal and all applied prospective rejections concerning Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are being appealed herein. All amendments made to the instant application have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method and system for accessing information on a network wherein the network comprises a first system and a second system. The method and system comprise allowing the first system to submit a query to the second system, processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query and utilizing the second system to return a result of the processed query to the first system.

Independent claim 1 recites a method for accessing information on a network, the method comprising the steps of: a) allowing a first system to submit a query to a second system; b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and c) utilizing the second system to return a result of the processed query to the first system.

Independent claim 14 recites a network database management system for accessing information on a network, the system comprising: means for allowing a first system to submit a query to a second system; means for processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and means for utilizing the second system to return a result of the processed query to the first system.

Independent claim 27 recites a computer readable medium containing program instructions for accessing information on a network, the program instructions comprising the steps of: a) allowing a first system to submit a query to a second system; b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area

not residing on the second system to process the query; and c) utilizing the second system to return a result of the processed query to the first system.

Figure 2 is a high level flowchart of the method in accordance with the present invention. First, a first system is allowed to connect to a second system, via step 100. Next, the second system utilizes information not residing on the second system to process a data request on the client machine, via step 102. Preferably, the first system comprises a client machine, the second system comprises a server machine and, the information comprises metadata about objects such as tables, users, triggers, indexes, etc.

Figure 4 is a more detailed flowchart of the method in accordance with the present invention. First, a client machine 202 submits a query to the server machine 206, via step 300. Preferably, a first internet protocol is utilized by the client machine 202 to submit the query. If the data and metadata reside on the client machine 202, the query preferably includes data and metadata 204, along with a request to perform an operation on the data and metadata 204. Alternatively, if the data and metadata 204 do not reside on the client machine 202, the query preferably includes a pointer to the data and metadata 204, along with a request to perform an operation on the data and metadata 204. Next, the server engine 208 processes the query, via step 302. The processing of the query comprises the server engine 208 performing the requested operation on the data and metadata 204. Preferably, the server engine 208 implements a second internet protocol to process the query. Finally, the server engine 208 returns the result of the processing of the query to the client machine 202, via step 304. Accordingly, the server engine 208 does not store any data or metadata, but simply uses the data and metadata 204 that reside on the client machine 202 to process the query.

Support for independent claims 1, 14, and 27 is found in the combination of Figures 2 and 4 and page 2, lines 10-23. More specifically, support for “allowing a first system to submit a

query to a second system,” is found in Figure 4, box 300, and on page 2, lines 11-12. Support for “processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query,” is found in Figure 4, box 302, on page 2, lines 12-14, in Figure 2, box 102, and on page 5, lines 14-16. Support for “utilizing the second system to return a result of the processed query to the first system,” is found in Figure 4, box 304, and on page 2, lines 14-15.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellant respectfully seeks review of the following rejections:

1. Claims 1-2, 4-15, 17-28, 30-39, and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raz.

VII. ARGUMENTS

A. Summary of the Applied Rejections

The Final Office Action dated February 15, 2005 rejected claims 1-2, 4-15, 17-28, 30-39, and 43-48 under 35 U.S.C. 102(e) as being anticipated by Raz. In making the rejection, the Examiner stated:

Claims 1, 2, 4-15, 17-28, 30-39, and 43-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Raz (U.S. Patent no. 6,292,827) of record.

Regarding claims 1, 14 and 27, Raz discloses a method at (Fig.1-Fig.3, Raz) for accessing information on a network (2, Fig.1), the method comprising the steps of:

a) allowing a first system (12, Fig.3) to submit a query to a second system (18, Fig.3, Raz); please note that the client terminal and server are correspond to the first system and second system.

b) processing the query with the second system, wherein the second system utilizes only information in a storage area not residing on the second system to process the query (see Fig. 1-3 and col. 4, lines 34-40 and col. 5, lines 5-10, Fig.5B; col.5, line 40 to col.6, line 7 and col.11, lines 6-22, Raz). The information resides in the external system that will provide for the second system's query whenever needed; and

c) utilizing the second system to return a result of the processed query to the first system (Fig.1-Fig.3, corresponding text and summary of Raz). ...

The Examiner stated the following in response to the previous arguments against these rejections:

Applicant's arguments filed November 1, 2004 have been fully considered but they are not persuasive.

Applicant argues on pages 11-12 that "Raz teaches away from processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query." Examiner respectfully disagrees. Raz teaches in Fig.5B that the "client" system (12, Fig.5B), which corresponds to the first system, to submit a query to the "server" system (18, Fig.5B), which corresponds to a second system, wherein the server utilizes the metadata in the separated "control and management" storage area (see Fig.5B and col.5, line 40 to col.6, line 7, Raz). These metadata files are compressed at the server then be transmitted to the client where the files are decompressed and resided at (col.11, lines 6-22). Therefore, Raz clearly teaches the claimed limitation "processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query".

The Examiner stated the following in the Advisory Action dated April 26, 2005:

Applicant argues on pages 11-12 that “nowhere does Raz teach or suggest that the second system utilizes metadata that is only in a storage area not residing on the second system to process the query.” Examiner respectfully disagrees. Raz teaches in Fig.5B that the “client” system (12, Fig.5B), which corresponds to the first system, to submit a query to the “server” system (18, Fig.5B), which corresponds to a second system, wherein the server utilizes the metadata in the separated “control and management” system (23, Fig.5B). Therefore, Raz clearly teaches the metadata in the storage management system 23 not residing on the server. Thus, the teaching of Raz reads on the claimed feature of “second system utilizes metadata that is only in a storage area not residing on the second system to process the query.”

Appellants respectfully request that the Board reverse the Examiner's final rejection of the pending Claims.

B. The Cited Prior Art

Raz describes a method for transferring data over a network. The method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers.

C. Independent claims 1, 14, and 27 are allowable over Raz.

The present invention provides a method and system for accessing information on a network wherein the network comprises a first system and a second system. The method and system comprise allowing the first system to submit a query to the second system, processing the

query with the second system, wherein the second system utilizes information not residing on the second system to process the query and utilizing the second system to return a result of the processed query to the first system. Raz does not teach or suggest these features, as discussed below.

Raz does not teach or suggest “processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in amended independent claims 1, 14, and 27. The Examiner has referred to column 11, lines 6-22, of Raz as teaching the processing step as recited in the present invention. However, nowhere does Raz teach or suggest in this section that “the second system utilizes metadata that is **only in a storage area not residing on the second system** to process the query,” as recited in independent claims 1, 14, and 27. Column 11, lines 6-22, states:

In order to **move information and applets from server to client** in the most efficient manner, a real-time compression techniques is implemented Upon receiving a request, the server determines what type of network connection exists. A fast LAN connection may be sent full quality, uncompressed files including text, images, video, and Java Classes. For slower WAN connections, the **server will compress the files in real-time, which will then be transmitted over the net and decompressed at runtime by the client.** Each type of information item has a unique compression method, which is most suitable for the specific item. For example, JPEG compression is used for images, CAB or JAR compression is used for Java Classes. The JAR technology is also capable of compressing data information and graphics in addition to the Java classes. For images, compression ratios of 1:10 can be achieved using JPEG, although some information may be lost. (Emphasis added.)

This section *teaches away* from the processing step, as recited in independent claims 1, 14, and 27, because Raz specifically states that the information and applets are moved “from server to client” where “the server will compress files in real-time, which will then be transmitted over the net and decompressed at runtime by the client.”

The Examiner has also referred to Figures 1-3, column 4, lines 34-40, and column 5, lines 5-10, of Raz as teaching the processing step as recited in the present invention. However, these sections clearly also teach away from the processing step, where “the second system utilizes

metadata that is **only in a storage area not residing on the second system** to process the query,” as recited in independent claims 1, 14, and 27.

Column 4, lines 34-40, of Raz states:

The network external system connection manager servers (10) shown connected to the network backbone (2) is the gateway to other content Provider external systems (11) shown connected to the network backbone (2). When an application requires information that is not on the network information database servers (8) but that information can be reached at some other content provider system, the network information database servers (8) establishes a connection via the external system connection manager servers (10) to the said content provider (11) to get the required information.

Column 5, lines 5-10, of Raz states:

External Devices (16) are connected to Java Applet (15) by Com Bridge (32). External Devices (16) are connected to Control and Management Agent (17) by SNMP (33). Visual Data Management (29) is connected to database (22) by Visual Data Insertion channel (31'). External Services (39) are connected to Services (20).

These sections merely lay out elements shown in Figures 1 and 3, and these sections do not mention that the server “utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in the present invention.

In contrast to the processing step as recited in the present invention, where the server “utilizes metadata that is only in a storage area not residing on the second system,” Raz explicitly teaches that control or application intelligence (i.e., metadata) is dynamically redistributed and **resides on the data servers**. Specifically, column 2, lines 11-20, of Raz states:

In general, in another aspect, the invention features a method for transferring data over a network. The method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and **dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers**. (Emphasis added.)

Column 3, lines 31-35, of Raz states:

The present invention relates generally to the field of information transfer. More particularly, the present invention relates to dynamic data transfer and management of information. Specifically, the present invention relates to a method of dynamic information transfer and management **allowing control or application intelligence and data content to be dynamically redistributed between**

data servers and client terminals including publicly located client terminals. (Emphasis added.)

The Examiner has also referred to Figure 5B, column 5, line 40 to column 6, line 7, of Raz as teaching the processing step as recited in the present invention. However, these sections clearly teach away from the processing step as recited in independent claims 1, 14, and 27. Nowhere does Raz specifically teach or suggest in Figure 5B or in column 5, line 40, to column 6, line 7, that the server “utilizes metadata that is only in a storage area not residing on the second system to process the query,” as recited in the present invention. As argued above, Raz clearly teaches that characteristic data is “dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers” (column 2, lines 11-20). In fact, column 5, line 40, to column, line 7, of Raz teaches a database model containing metadata, which represents the structure of the data and determines the laws of data (e.g., object types, property types, data types, link types, and languages), and this metadata clearly resides on the GS Oracle database and SQL database servers. (See Figures 8 and 9, and column 5, line 62, to column 6, line 7.)

A benefit of the present invention is that the second system does not have the burden of maintaining the metadata. Accordingly, the second system can behave strictly as a database processing engine (specification, page 5, lines 14-16) and therefore can process queries faster. Because the metadata is not maintained on the server but is instead maintained in the separate storage area of a separate system, a client will have faster access times and higher reliability than with conventional systems such as that of Raz (specification, page 7, lines 19-20). Furthermore, if the separate storage area is located on a client system, users of the client system can have control over their data and can enhance their capabilities without interference from other users

(specification, page 7, line 19, to page 8, line 10). Accordingly, because Raz teaches that the metadata is dynamically distributed between the servers, Raz does not provide the benefits of faster query processing, faster access times, higher reliability, and increased user control as recited in the present invention.

Therefore, Raz does not teach or suggest the present invention as recited in independent claims 1, 14, and 27. Accordingly, claims 1, 14, and 27 are allowable over Raz.

Dependent claims 2, 4-13, 15, 17-26, 28, 30-39, and 43-48 depend from claims 1, 14 and 27, respectively. Accordingly, the above-articulated arguments related to claims 1, 14 and 27 apply with equal force to claims 2, 4-13, 15, 17-26, 28, 30-39, and 43-48, which are thus allowable over the cited reference for at least the same reasons as claims 1, 14 and 27.

In view of the foregoing, Applicant respectfully submits that the recited invention is not taught, shown, or suggested by the cited art.

Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. 102(e) and respectfully requests that the Board reverse the final rejection of Claims.

D. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that Claims 1-2, 4-15, 17-28, 30-39, and 43-48 (all the Claims presently in the application) are patentable for defining subject matter, which would not have been unpatentable under 35 U.S.C. § 102(e) at the time the subject matter was invented. Thus, Appellants respectfully request that the Board reverse the rejection of all the appealed Claims and find each of these Claims allowable.

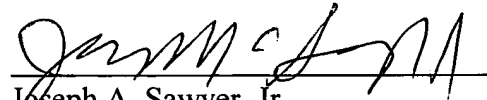
Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellants' APPENDICES A-C are attached on separate sheets following the signatory portion of this Appeal Brief.

Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 09-0460 (IBM Corporation).

Respectfully submitted,
SAWYER LAW GROUP LLP

December 15, 2005

Date



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APPENDIX A

CLAIMS

1. (Previously amended) A method for accessing information on a network, the method comprising the steps of:
 - a) allowing a first system to submit a query to a second system;
 - b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and
 - c) utilizing the second system to return a result of the processed query to the first system.
2. (Original) The method of claim 1 wherein the first system comprises a client machine and the second system comprises a server machine.
3. (Canceled)
4. (Previously amended) The method of claim 1 wherein the metadata comprises information about objects.
5. (Original) The method of claim 4 wherein the objects comprise tables, triggers and indexes.
6. (Original) The method of claim 5 wherein a first protocol is utilized by the client

machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

7. (Original) The method of claim 5 wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.

8. (Original) The method of claim 6 wherein the server machine implements a second protocol to process the query.

9. (Original) The method of claim 8 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

10. (Original) The method of claim 9 wherein the network comprises the Internet.

11. (Original) The method of claim 7 wherein the server machine implements a second protocol to process the query.

12. (Original) The method of claim 11 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

13. (Original) The method of claim 12 wherein the network comprises the Internet.

14. (Previously amended) A network database management system for accessing information on a network, the system comprising:

means for allowing a first system to submit a query to a second system;

means for processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and

means for utilizing the second system to return a result of the processed query to the first system.

15. (Original) The system of claim 14 wherein the first system comprises a client machine and the second system comprises a server machine.

16. (Canceled)

17. (Previously amended) The system of claim 14 wherein the metadata comprises information about objects.

18. (Original) The system of claim 17 wherein the objects comprise tables, triggers and indexes.

19. (Original) The system of claim 18 wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

20. (Original) The system of claim 18 wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.

21. (Original) The system of claim 19 wherein the server machine implements a second protocol to process the query.

22. (Original) The system of claim 21 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

23. (Original) The system of claim 22 wherein the network comprises the Internet.

24. (Original) The system of claim 20 wherein the server machine implements a second protocol to process the query.

25. (Original) The system of claim 24 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

26. (Original) The system of claim 25 wherein the network comprises the Internet.

27. (Previously amended) A computer readable medium containing program instructions for accessing information on a network, the program instructions comprising the

steps of:

- a) allowing a first system to submit a query to a second system;
- b) processing the query with the second system, wherein the second system utilizes metadata that is only in a storage area not residing on the second system to process the query; and
- c) utilizing the second system to return a result of the processed query to the first system.

28. (Original) The computer readable medium of claim 27 wherein the first system comprises a client machine and the second system comprises a server machine.

29. (Canceled)

30. (Previously amended) The computer readable medium of claim 27 wherein the metadata comprises information about objects.

31. (Original) The computer readable medium of claim 30 wherein the objects comprise tables, triggers and indexes.

32. (Original) The computer readable medium of claim 31 wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata.

33. (Original) The computer readable medium of claim 31 wherein a first protocol is

utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata.

34. (Original) The computer readable medium of claim 32 wherein the server machine implements a second protocol to process the query.

35. (Original) The computer readable medium of claim 34 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

36. (Original) The computer readable medium of claim 35 wherein the network comprises the Internet.

37. (Original) The computer readable medium of claim 33 wherein the server machine implements a second protocol to process the query.

38. (Original) The computer readable medium of claim 37 wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata.

39. (Original) The computer readable medium of claim 38 wherein the network comprises the Internet.

40-42. (Canceled)

43. (Previously added) The method of claim 1 wherein the storage area resides on a third system.

44. (Previously added) The method of claim 1 wherein the storage area resides on the first system.

45. (Previously added) The method of claim 14 wherein the storage area resides on a third system.

46. (Previously added) The method of claim 14 wherein the storage area resides on the first system.

47. (Previously added) The method of claim 27 wherein the storage area resides on a third system.

48. (Previously added) The method of claim 27 wherein the storage area resides on the first system.

APPENDIX B

EVIDENCE

(NONE)

APPENDIX C
RELATED PROCEEDINGS
(NONE)

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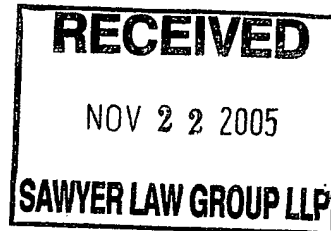
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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095

7590

11/18/2005

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EXAMINER

THAI, HANH B

ART UNIT PAPER NUMBER

2163

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Commissioner for Patents

The reply filed on September 6, 2005 is not fully responsive to the prior Office Action because the supplemental appeal brief still fails to explain the subject matter defined in each independent claim and how each independent claim is mapped to the specification by page, line number and the drawing. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY NOT BE GRANTED UNDER 37 CFR 1.136(a).

SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



TRANSMITTAL FORM

Attorney Docket No.
STL920000040US2/1716RCEIn re the application of: **BAIR**Confirmation No: **2095**Serial No: **09/733,429**Group Art Unit: **2161**Filed: **December 8, 2000**Examiner: **Thai, Hanh B.**For: **Method and System for Accessing Information On A Network**

ENCLOSURES (check all that apply)

<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group		
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input type="checkbox"/>	Notice of Appeal		
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input checked="" type="checkbox"/>	Appeal Brief		
<input type="checkbox"/>	Form 1449	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Status Letter		
<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard		
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input checked="" type="checkbox"/>	Other Enclosure(s) (please identify below):		
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer	Copy of PTO Communication			
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers				
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address				
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxx month(s), from to .					
<input type="checkbox"/>	Executed Declaration by Inventor(s)						

CLAIMS

FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	42	45	0	\$ 50.00	\$ 0.00
Independent Claims	3	3	0	\$200.00	\$ 0.00
Total Fees					\$ 0.00

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<input type="checkbox"/>	Charge \$ _____ to Deposit Account No. _____ (Account Holder Name) for payment of fees.
<input checked="" type="checkbox"/>	Charge any additional fees or credit any overpayment to Deposit Account No. <u>09-0460</u> (IBM Corporation)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Attorney Name	Joseph A. Sawyer, Jr., Reg. No. 30,801
Signature	
Date	December 15, 2005

CERTIFICATE OF TRANSMISSION/MAILING

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Type or printed name	Kym Moore
Signature	